

## **Recent Legislation Pertaining to Farmers' Markets**

Public Act 08-184 was passed during the 2008 legislative session. It includes a provision specific to farmers' markets and became effective on June 12, 2008. For the specific language for this and other Public Acts the Connecticut General Assembly website is a valuable resource. The address is: <http://www.cga.ct.gov>.

Melanie Attwater-Young, Legislative Liaison, Department of Agriculture can also be contacted at (860) 713-2509 for assistance.

### **Public Act 08-184 – *An Act Concerning Revisions to Statutes Pertaining to the Department of Public Health***

Section 9 of this act allows food service establishments to purchase CT-grown farm products at a farmers' market, as long as they conform with all applicable state and local regulations. Appendix B gives an example of some food items commonly found at farmers' markets that may or may not be suitable for use in a foodservice establishment. If purchasing such products, the food service establishment must request and obtain an invoice from the farmer or person selling the product. The specific definition of farm products is as follows: "Farm products" means any fresh fruits, vegetables, mushrooms, nuts, shell eggs, honey or other bee products, maple syrup or maple sugar, flowers, nursery stock and other horticultural commodities, livestock food products, including meat, milk, cheese and other dairy products, food products of "aquaculture", as defined in subsection (q) of section 1-1 of the general statutes, including fish, oysters, clams, mussels and other molluscan shellfish taken from the waters of the state or tidal wetlands, products from any tree, vine or plant and their flowers, or any of the products listed in this subdivision that have been processed by the participating farmer, including, but not limited to, baked goods made with farm products.

Below is the language of this section.

Sec. 9. Section 22-6r of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For purposes of this section:

(1) "Farmers' market" means a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season, which operates principally as a common marketplace for a group of farmers, at least two of whom are selling Connecticut-grown fresh produce, to sell Connecticut-grown farm products [directly to consumers and to sell fresh produce to food service establishments, as defined in section 19-13-B42 of the regulations of Connecticut state agencies,] in conformance with the applicable regulations of Connecticut state agencies and where the farm products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of household income;

(2) "Fresh produce" means fruits and vegetables that have not been processed in any manner;

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(3) "Certified farmers' market" means a farmers' market that is authorized by the commissioner to operate;

(4) "Farmer's kiosk" means a structure or area located within a certified farmers' market used by a farm business to conduct sales of Connecticut-grown farm products;

(5) "Connecticut-grown" means produce and other farm products that have a traceable point of origin within Connecticut;

(6) "Farm" has the meaning ascribed to it in subsection (q) of section 1-1;

(7) "Farm products" means any fresh fruits, vegetables, mushrooms, nuts, shell eggs, honey or other bee products, maple syrup or maple sugar, flowers, nursery stock and other horticultural commodities, livestock food products, including meat, milk, cheese and other dairy products, food products of "aquaculture", as defined in subsection (q) of section 1-1, including fish, oysters, clams, mussels and other molluscan shellfish taken from the waters of the state or tidal wetlands, products from any tree, vine or plant and their flowers, or any of the products listed in this subdivision that have been processed by the participating farmer, including, but not limited to, baked goods made with farm products.

(b) A farmer's kiosk at a certified farmers' market shall be considered an extension of the farmer's business and regulations of Connecticut state agencies relating to the sale of farm products on a farm shall govern the sale of farm products at a farmer's kiosk.

(c) [(1)] A farmer offering farm products for sale at a certified farmers' market shall obtain and maintain any license required to sell such products.

[(2)] (d) A food service establishment, as defined in section 19-13-B42 of the regulations of Connecticut state agencies, [shall request and obtain] may purchase farm products that have been produced and are sold in conformance with the applicable regulations of Connecticut state agencies at a farmers' market, provided such establishment requests and obtains an invoice from the farmer or person selling [fresh produce] farm products. The farmer or person selling [fresh produce] farm products shall provide to the food service establishment an invoice that indicates the source and date of purchase of the [fresh produce] farm products at the time of the sale.

[(d)] (e) Section 22-6g or this section shall not supersede the provisions of any state or local health and safety laws, regulations or ordinances.

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